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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,858	03/23/2005	Peter Greifenstein	238.011	4182

29166 7590 10/23/2006

PERRET DOISE
A PROFESSIONAL LAW CORPORATION
P.O. DRAWER 3408
LAFAYETTE, LA 70502-3408

EXAMINER

CLARK, AMY LYNN

ART UNIT	PAPER NUMBER
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1655

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20061016

DATE MAILED:

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Commissioner for Patents

Acknowledgment is made of the receipt and Applicant's election of Group I, Claims 1-13 and Specie A filed on 7/17/2006 and Applicant's amendment of Claim 1 to include Specie A, Applicant's election of kernels of *Prunus armenica*, endosperm of *cocos nucifera*, cells of *saccharomycetes cerevisiae*, fruits of musaze, and leafs of *rubus*, as Specie B, "auxilliary means" as Specie C, solid-liquid extraction and subsequent partial evaporation as Specie D, liquid extract and drops as Specie E and diseases of the psyche as Specie F received on 9/25/2006. However, Applicant is not fully responsive to the restriction requirement mailed out on 5/15/2006 and is non-responsive to the the non-compliance sent out on 8/25/2006 because Applicant has elected a species, "cells of *saccharomycetes cervisiae*" as Specie B, which was not written in the claims as originally filed and is, therefore, non-compliant. Applicant may only choose an example within a specie election that is present in the claims. Applicant may not choose, at random, an example from the specification. "Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a)."

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, Applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).


MICHELE FLOOD
PRIMARY EXAMINER